

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stephane Taunier *et al.*
Appl. No. : 10/540,729
Filing Date : June 24, 2005
For : Method of Producing Thin Films of Compound I-III-VI;
Promoting the Incorporation of III Elements in the Film
Examiner : Arun S. Phasge
Art Unit : 1795
Atty. Docket : 16721-0290 (42528-317078)
Patent No. :

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Communication Regarding Patent Term Adjustment (PTA)
Indicated in Notice of Allowance

Sir:

1. A Notice of Allowance was mailed on February 1, 2010 for the present application. One of the attachments to the Notice of Allowance was a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) that indicated that the total PTA to date is 821 days. It is believed that the correct total PTA to date is at least 1188 days.

2. The determination of the total PTA of 821 days is erroneous because the U.S. Patent and Trademark Office's (USPTO) PTA calculator failed to account for two separate USPTO delays. The two USPTO delay periods should have their days added together in accordance with the reasoning in *Wyeth et al. v. Dudas*, No. 07-1492 (D.D.C. September 30, 2008). The number of PTA credits of 853 days for USPTO delay under 35 U.S.C. § 154(b)(1)(A) and 37 C.F.R. 1.702(a)(1) that is set forth on the enclosed PTA History (Exhibit A) is correct but it only accounts for one of the delays

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this submission is being filed via EFS
Web with the U.S. Patent and Trademark Office on April 14, 2010. CKHLOK 00000004 110855 10540729
/Sandee Hampton/ Sandee Hampton 81 FC:1455 200.00 DA